



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: August 9, 2012
Applicant: Dominion West Capital II, LLC
Case No.: PCC-12-021
Address: 636 Broadway, 637 and 643 East Manor Drive
Project Planner: Caroline Young

Notice is hereby given that on August 9, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-12-021, filed by Dominion West Capital II, LLC ("Applicant"), at 636 Broadway, 637 and 643 East Manor Drive ("Project Site"). The Applicant requests a CUP for the Residential/Commercial Lot Split to allow substandard lot dimensions for the two residential lots on East Manor Drive, per Section 19.24.070B of the Chula Vista Municipal Code. The Project Site has a split zone of Urban Core Specific Plan (C-2) and Single-Family Residential (R-1) Zone, with a General Plan designation of Mixed Use Residential (MUR). The Project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit for the Residential/Commercial Lot Split to allow substandard lot dimensions for the two residential lots on East Manor Drive, per Section 19.24.070B of the Chula Vista Municipal Code ("Project"). Currently, the two single-family residences and commercial use are located on the same lot. Single-family lots within the R1 zone must maintain a minimum of 7,000 square feet. The proposed two single-family lots would only provide an approximately 4,300 square footage, which is under the allowable 7,000 square footage requirement. The Conditional Use Permit will allow for the residential and commercial properties to be on their own legal lot; therefore creating three legal lots. No physical change to site or structures is proposed.

The Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and the Urban Core Specific Plan has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed Residential/Commercial Lot Split will allow each existing use to be sited on individual parcels and zoning regulation while no physical change to the property will occur. The lot split will not affect the general well being of the neighborhood and the community by allowing the different uses to co-exist on separate parcels. The residential parcels would be similar in size to adjacent nearby residential lots and the commercial lot is in keeping with other commercial lots along Broadway.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use do not have features that could have detrimental effects. The commercial use will continue to be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, such as obtaining a final parcel map to change the lot lines of the property.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Mixed Use Residential. This finding is met because the operation and use of the Project, as approved by a Conditional Use Permit pursuant to the Urban Core Specific Plan, is consistent with Urban Core Specific Plan (C-2) permitted land uses and the R-1 zone. Thus, the proposed project is consistent with the Mixed Use Residential General Plan land use designation and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-12-021 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

Land Development Division

2. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
 - ☐ Construction Permit
 - ☐ Tentative Parcel Map, and Final Parcel Map
3. Prior to Parcel Map, Final map, Grading or Street Improvement Plan approval, the Applicant shall upload copies of the Street Improvement Plan, Grading Plan, Final Map and Site Improvement Plan in digital format such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City Guidelines for Digital Submittal.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-12-021, date stamped on May 24, 2012, which includes a site plan on file in the Planning Division, the conditions contained herein, and Title 19

2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 9th day of August 2012.



Mary Ladiana
Zoning Administrator